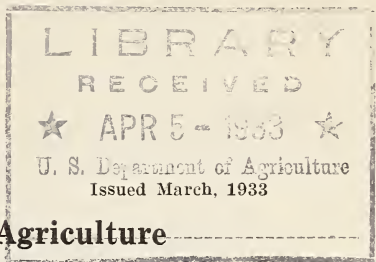


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## United States Department of Agriculture

### FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the caustic poison act]

8-11

[Approved by the Secretary of Agriculture, Washington, D. C., March 10, 1933]

**S. Misbranding of carbolic acid. U. S. v. McKesson-Langley-Michaels Co. (Ltd.). Plea of guilty. Fine, \$50. (C. P. A. No. 13. C. P. No. 32213.)**

This action was based on the interstate shipment of a quantity of carbolic acid, a dangerous caustic or corrosive substance, in packages suitable for household use. Examination showed that the word "Poison" appeared on the label in type smaller than the size required by law, also that the directions for treatment in case of accidental personal injury were incomplete.

On September 7, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against McKesson-Langley-Michaels Co. (Ltd.), a corporation, San Francisco, Calif., alleging shipment by said company on or about February 9, 1931 and June 11, 1931, from the State of California into the State of Texas, of a product that contained carbolic acid in a proportion of 5 per cent or more, which was a dangerous caustic or corrosive substance in packages suitable for household use, and which was misbranded in violation of the Federal caustic poison act.

It was alleged in the information that the article was misbranded in that the word "Poison," borne on the labels, was printed in type less than 24-point size and smaller than the largest type on the labels, and in that the directions on the label for treatment in case of accidental personal injury were incomplete.

On September 24, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

**9. Misbranding of Ma Burns' liniment. U. S. v. 8 Dozen Bottles of Ma Burns' Liniment. Default decree of condemnation, forfeiture, and destruction. (No. 8298-A. C. P. A. No. 14.)**

This action involved a product in packages suitable for household use, which contained free ammonia, a dangerous caustic or corrosive substance, in a proportion greater than 5 per cent. The requirements of the law that such preparations have printed on the label the common name of the dangerous or corrosive substances, the word "Poison" and directions for treatment in case of accidental personal injury, were not complied with.

On August 15, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight dozen bottles of Ma Burns' liniment, remaining in the original and unbroken packages at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about February 5 and March 5, 1932, by the Ma Burns' Liniment Co., Boston, Mass., and charging misbranding in violation of the Federal caustic poison act.

It was alleged in the libel that the article was misbranded in that the label did not have a statement giving the common name of the dangerous caustic or corrosive substance contained in the article, to wit, free or chemically uncombined ammonia in a proportion greater than 5 per cent; in that the word "Poison" did not appear upon the labeling; and in that the label did not contain any directions for treatment in case of accidental personal injury.

On September 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**10. Misbranding of Biz. U. S. v. Henderson & Skipworth, a Corporation, and Harry A. Skipworth. Pleas of guilty. Fine, \$50. (C. P. A. No. 5. I. S. No. 22191.)**

This action was based on the shipment of a preparation, known as Biz, that contained carbolic acid, a dangerous caustic and corrosive substance, in excess of 5 per cent. The common name of the said substance, the word "Poison," and directions for treatment in case of accidental personal injury, all of which statements are required by law, were not printed on the label.

On September 7, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Henderson & Skipworth, a corporation, trading at San Francisco, Calif., and Harry A. Skipworth, a citizen and resident of San Francisco, Calif., alleging shipment by said defendant, in violation of the Federal caustic poison act, on or about December 30, 1930, from the State of California into the State of Washington, of a quantity of Biz, which was a dangerous caustic or corrosive substance in packages suitable for household use, and which was misbranded.

It was alleged in the information that the article was misbranded in that the label affixed to the packages did not bear the common name of the dangerous caustic or corrosive substance contained in the article, namely, carbolic acid, in that the label did not bear the word "Poison," and in that it did not bear directions for treatment in case of accidental personal injury.

On September 29, 1932, the defendant Harry A. Skipworth entered pleas of guilty on behalf of himself and the defendant corporation, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

**11. Misbranding of Miller's Anti-Mole. U. S. v. 18 Bottles of Miller's Anti-Mole. Product adjudged misbranded and ordered destroyed. (No. 6105-A. C. P. A. No. 11.)**

This action involved a preparation, known as Miller's Anti-Mole, that contained a dangerous caustic or corrosive substance, nitric acid, in a proportion greater than 5 per cent, namely in the proportion of 68.08 per cent. The common name of the said dangerous substance, the word "Poison," and directions for treatment in case of accidental personal injury, all of which statements are required by law, were not printed on the label.

On July 1, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 bottles of Miller's Anti-Mole, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about June 9, 1932, by the Miller Manufacturing Co., Lincoln, Nebr., to Kansas City, Mo., and charging misbranding in violation of the Federal caustic poison act.

It was alleged in the libel that the article was misbranded in that it was a caustic or corrosive substance in packages suitable for household use, and the label did not bear the word "Poison," it did not bear the common name of the caustic or corrosive substance, namely, nitric acid, and it did not bear directions for the treatment in case of accidental personal injury.

On December 28, 1932, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*